

THURSDAY, APRIL 10, 1997

TWENTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Dean Haun, Hermitage Hill Baptist Church, Hermitage, Tennessee.

Representative Robinson led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Boyer; business reasons

Representative Garrett; business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 184: Rep(s). Naifeh as prime sponsor(s).

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House Bill No. 327: Rep(s). Curtiss as prime sponsor(s).

House Bill No. 514: Rep(s). Walley, White and Sands as prime sponsor(s).

House Bill No. 1111: Rep(s). Pleasant, Haley and Clabough as prime sponsor(s).

House Bill No. 1401: Rep(s). Curtiss as prime sponsor(s).

House Bill No. 1814: Rep(s). L. DeBerry, Haley, Hargett, Scroggs and Hassell as prime sponsor(s).

House Bill No. 1820: Rep(s). Halteman Harwell as prime sponsor(s).

PERSONAL ORDERS

RULES SUSPENDED

Rep. Ferguson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 184 out of order, which motion prevailed.

House Joint Resolution No. 184 -- Memorials, Recognition and Thanks - Anna Belle Clement O'Brien on the humanities building at Roane State being named in her honor. by *Ferguson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Ferguson, the resolution was adopted.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 14, 1997:

House Joint Resolution No. 183 -- Memorials, Retirement - Judge Bill Holt. by *Huskey, *Davis R, *Roach.

House Joint Resolution No. 185 -- Memorials, Public Service - Gordon Inman and Franklin National Bank. by *Williams (Williamson).

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 14, 1997:

Senate Joint Resolution No. 156 -- Memorials, Death - James Baker. by *Herron.

Senate Joint Resolution No. 157 -- Memorials, Heroism - Merrell family. by *Herron, *Kyle, *Herron.

Senate Joint Resolution No. 159 -- Memorials, Retirement - Copeland Jared. by *Burks.

Senate Joint Resolution No. 161 -- Memorials, Academic Achievement - Jennifer Lutes. by *Fowler.

Senate Joint Resolution No. 163 -- Memorials, Sports - 1996-1997 Walter Hill School girls' basketball team. by *Womack.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1967 -- Townsend - Revises charter. Amends Chapter 463 of the Private Acts of 1941; as amended. by *Clabough. (SB1974 by *Koella)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 329** -- Managed Care Organizations - Provides for civil action with attorney fees recoverable against HMOs. Amends TCA Title 56, Chapter 32. by *McNally, *Rochelle. (HB1441)

***Senate Bill No. 525** -- Uniform Commercial Code - Defines "record"; redefines "signature," "signed," "writing," and "written" for use in UCC and statute of frauds. Amends TCA Section 1-3-105; Section 29-2-101 and Title 47. by *Rochelle. (HB922)

Senate Bill No. 716 -- Boards and Commissions - Encourages appointments to boards, commissions, councils and committees be made to achieve minority and gender balance in relation to population of area represented by such entity. by *Dixon. (*HB230)

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***Senate Bill No. 1471** -- Sentencing - Prohibits appellate reversal of death, or life without parole, sentence based on trial court's failure to instruct jury on mitigating factor not specifically established by general assembly if overrules some specific care. Amends TCA Section 39-13-204. by *Haynes. (HB1617)

***Senate Bill No. 1620** -- Recycling - Redefines "recycling"; provides that no solid waste management funds will be expended to purchase mechanical processing equipment unless such equipment is indispensable component of eligible grant project. Amends TCA Sections 68-211-802(a)(16) and 68-211-825(a). by *Leatherwood, *Crutchfield, *Fowler. (HB1592)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1963 -- Greene County -- Local Bill Held on House Desk

House Bill No. 1965 -- School Districts, Special -- Local Bill Held on House Desk

House Bill No. 1966 -- Rockwood -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 10, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 16, 1997**: House Bill(s) No(s). 506, 978, 1450, 1808, 615 and 1819.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 14, 1997**: House Bill(s) No(s). 977, 976, 974, 1658, 1092 and 1259.

CONSENT CALENDAR

House Resolution No. 54 -- Memorials, Professional Achievement - Brenda Johnson, Northern Life Education's Unsung Heroes Awards recipient. by *Clabough.

House Joint Resolution No. 172 -- Memorials, Sports - 1996-1997 Sharon High School boys' basketball team, TSSAA Class A state tournament participant. by *Maddox.

House Joint Resolution No. 173 -- Memorials, Public Service - Lincoya Hills Baptist Church, 40th anniversary. by *Boner.

House Joint Resolution No. 174 -- Memorials, Personal Occasion - Janice and Weldon Wheat, 30th wedding anniversary. by *Beavers.

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House Joint Resolution No. 175 -- Memorials, Sports - 1996-1997 Daniel Boone High School girls' basketball team, TSSAA Class AA state tournament participant. by *Hicks.

House Joint Resolution No. 176 -- Memorials, Sports - Daniel Boone High School boys' basketball coach, Bobby Snyder. by *Hicks.

House Joint Resolution No. 177 -- Memorials, Sports - 1996-1997 Daniel Boone High School boys' basketball team, TSSAA Class AA substate participant. by *Hicks, *Patton.

House Joint Resolution No. 178 -- Memorials, Death - Leon A. Cox. by *Patton.

House Joint Resolution No. 179 -- Memorials, Recognition and Thanks - Hunter First Baptist Church. by *Cole (Carter).

House Joint Resolution No. 180 -- Memorials, Public Service - Albert Murray. by *Armstrong, *Jones U (Shelby), *Turner (Shelby), *Brooks, *DeBerry J, *Bowers, *Cooper B.

House Joint Resolution No. 181 -- Memorials, Retirement - Perry Allan Craft, Deputy Attorney General. by *Kernell.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

Senate Bill No. 1187 -- Children - Authorizes judge to require noncustodial parent of child to contribute to maintenance and support of custodial parent if custodial parent is a minor. Amends TCA Title 36, Chapter 2 and Section 36-5-102. by *Ramsey, *Leatherwood, *Cohen, *Fowler, *Williams. (*HB514 by *DeBerry J, *Eckles, *Chumney, *Turner (Hamilton), *Maddox, *Fitzhugh, *McDaniel, *Stamps)

Further consideration of Senate Bill No. 1187, previously considered on April 7, 1997, at which time the Senate Bill was substituted for the House Bill, and reset to today's Calendar.

Rep. J. DeBerry moved that Senate Bill No. 1187, be passed on third and final consideration.

Rep. Stulce moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1187 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ . The father of the child does not have to continue supporting the custodial parent if the custodial parent marries a person other than the father of the child.

Rep. J. DeBerry requested that Senate Bill No. 1187 be moved down 10 places on the Calendar.

House Bill No. 1186 -- Highway Signs - Gives preference for placement on sign assembly to business with greatest eligibility distance when two or more valid competing applications for participation in TODS program. Amends TCA Title 54, Chapter 5, Part 13. by *Kerr, *Walker. (*SB951 by *Miller J, *Koella)

Further consideration of House Bill No. 1186, previously considered on March 27, 1997, March 31, 1997, and April 7, 1997, at which time the House adopted Amendment No. 1 and was on the motion to adopt Amendment No. 2.

Rep. Kerr requested that House Bill No. 1186 be moved to the heel of the Calendar.

House Bill No. 409 -- Correction, Dept. of - Directs department to have each inmate undergo HIV testing during classification. Amends TCA Title 41, Chapter 21, Part 1. by *Bowers, *Jones U (Shelby), *Miller L, *Cooper B, *Brooks, *Jones, S.. (*SB415 by *Dixon)

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Further consideration of House Bill No. 409, previously considered on April 3, 1997 and April 7, 1997, and reset to today's Calendar.

Rep. Bowers requested that House Bill No. 409 be moved to the heel of the Calendar.

House Bill No. 874 -- Taxes, Ad Valorem - Revises procedures for property tax appeals; authorizes compensation for assessment appeals commission. Amends TCA Section 67-5-1008; Section 67-5-1327; Section 67-5-1328; Section 67-5-1412; Section 67-5-1501 and Section 67-5-1502. by *Kisber. (*SB1177 by *Rochelle)

On motion, House Bill No. 874 was made to conform with **Senate Bill No. 1177**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1177, be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1177 by deleting the words "within the time permitted" in the amendatory language of Section 4 and substituting instead the words "on or before twenty (20) days from the first Monday in September".

AND FURTHER AMEND by substituting the word "postmark" for the word "receipt" in the amendatory language of Section 5.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1177**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1814 -- Taxes, Sales - Gives sales and use tax credit for building materials, machinery and equipment used in construction of qualified, new or expanded corporate headquarters located in state. Amends TCA Title 67, Chapter 6, Part 2. by *Kisber, *Kent, *McDaniel, *Stamps, *Davis R, *Chumney, *Miller L, *DeBerry J, *Jones U (Shelby), *Bowers. (*SB1703 by *McNally, *Gilbert, *Fowler, *Atchley, *Elsea, *Person, *Leatherwood, *Jordan, *Miller J, *Ramsey, *Carter, *Crowe, *Koella, *Dixon, *Ford J, *Kyle)

Rep. Kisber moved that House Bill No. 1814 be passed on third and final consideration.

Rep. U. Jones moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 1814** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	81
Noes	15

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Bowers, Brooks, Buck, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Arriola, Beavers, Boner, Brown, Burchett, Caldwell, Cross, Ferguson, Jones S., Lewis, Odom, Ritchie, West, Windle, Winningham -- 15.

A motion to reconsider was tabled.

House Bill No. 1025 -- Public Property - With respect to public property for the sale of confiscated alcoholic beverages, requires notice of sale be posted in three instead of two public places as required in present law. Amends TCA Title 12. by *Buck. (*SB813 by *Kyle)

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Rep. Buck moved that House Bill No. 1025 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1025 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-2-403, is amended by adding the following new subdivision to subsection (c):

(3) A member of the general assembly may purchase office furniture, equipment, or other personal property for use in the home district legislative office of such member if such furniture, equipment or property has been declared surplus and classified by the commissioner for disposal pursuant to procedures established in Section 12-2-407 for sales to governmental entities.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1025 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. A member of the general assembly may purchase through the office of legislative administration computer equipment for legislative use which is the same as or compatible with the computer hardware or software installed or used by legislative information systems for the general assembly. The cost of any purchases made pursuant to this section shall be borne by the member of the general assembly requesting the purchase of such items. The office of legislative information systems is authorized to install and maintain such computer programs and equipment purchased by the member for legislative use.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 1025**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 327** -- Education - Deletes provision stating that any elected or appointed superintendent of schools only required to have baccalaureate degree. Amends TCA Section 49-2-301. by *Winningham, *Maddox. (SB814 by *Burks)

Rep. Winningham moved that House Bill No. 327 be passed on third and final consideration.

Rep. Davidson requested that House Amendment No. 1 be moved to the heel of the Amendments.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 327 by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2, as follows:

SECTION 2. Any superintendent or director of schools who met the qualifications for superintendent in effect before the effective date of this act may continue to hold office based on satisfaction of those qualifications.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Winningham moved that **House Bill No. 327**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 71
Noes 11

Present and not voting..... 5

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Bowers, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Gunnels, Haley, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, White, Whitson, Windle, Wood, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Armstrong, Cooper, Givens, Goins, Halteman-Harwell, Hargett, Kisber, Rinks, Ritchie, Tindell, Walley -- 11.

Representatives present and not voting were: Boner, Brown, Chumney, Fowlkes, Stamps -- 5.

A motion to reconsider was tabled.

House Bill No. 699 -- Business and Commerce - Sets procedures for dealers in surplus or used business commodities. Amends TCA Title 62. by *Eckles. (*SB1047 by *Wornack, *Dixon)

On motion, House Bill No. 699 was made to conform with **Senate Bill No. 1047**; the Senate Bill was substituted for the House Bill.

Rep. Eckles moved that Senate Bill No. 1047, be passed on third and final consideration.

Rep. Ford moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1047 by deleting Section 2, and by substituting instead the following language:

SECTION 2. Any person, firm, corporation or other entity operating a salvage house, by which is meant all persons in any way buying, selling, exchanging, trading or dealing in surplus or used building materials of any sort within the state, shall keep a record of the names all persons from whom such person, firm, corporation or entity buys or gets surplus or used building materials of any sort, the date of purchase, the amount paid therefor, the kind of building materials purchased or gotten, and the amount of each kind. Such records shall be kept in chronological order from day to day, as the business is transacted. Such records shall at all times be open to inspection of the police or other officer, or any person who may desire to see the same and shall be in good faith kept and preserved by such dealers for the convenient inspection aforementioned.

AND FURTHER AMEND by deleting subsection (b) from Section 6, and by substituting instead the following language:

(b) In lieu of obtaining any of the above identification, if such seller is a building materials dealer who has registered with the county clerk in accordance with the provisions of §67-4-706, the seller shall provide an invoice which shall include the name and address of such dealer, or provide a sworn affidavit, including the name and address of the seller, the name and address of the person, firm or source from whom or which the seller acquired the used or surplus building materials, and the condition and quantity of the used or surplus building materials.

On motion, Amendment No. 1 was adopted.

Rep. Eckles moved that **Senate Bill No. 1047**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1105 -- Limitation of Actions - Extends limitation for prosecution of sexual offenses committed against child to date child attains age of 21; if longer time for prosecution exists in statute, longer limitation of action prevails. Amends TCA Section 40-2-101. by *McAfee. (*SB179 by *Fowler, *Leatherwood)

On motion, House Bill No. 1105 was made to conform with **Senate Bill No. 179**; the Senate Bill was substituted for the House Bill.

Rep. McAfee moved that Senate Bill No. 179, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 179 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. McAfee moved that **Senate Bill No. 179**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1851** -- Municipal Government - Permits any city that allows nonresident property owners to vote in city elections to allow such voting by mail Amends TCA Section 6-53-102. by *Newton. (SB1871 by *Miller J)

Rep. Newton moved that **House Bill No. 1851** be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1136 -- Private Protective Services - Exempts certain employees of private resorts Amends TCA Title 62, Chapter 35. by *Walker, *Curtiss. (*SB1380 by *Davis L)

On motion, House Bill No. 1136 was made to conform with **Senate Bill No. 1380**; the Senate Bill was substituted for the House Bill.

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Rep. Walker moved that Senate Bill No. 1380, be passed on third and final consideration.

Rep. Walker moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1380 by deleting the word "police" from the third sentence of the amendatory language of Section 1, and by substituting instead the word "peace".

On motion, Amendment No. 1 was adopted.

Rep. Walker moved that **Senate Bill No. 1380**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

Senate Bill No. 1187 -- Children - Authorizes judge to require noncustodial parent of child to contribute to maintenance and support of custodial parent if custodial parent is a minor. Amends TCA Title 36, Chapter 2 and Section 36-5-102. by *Ramsey, *Leatherwood, *Cohen, *Fowler, *Williams. (*HB514 by *DeBerry J, *Eckles, *Chumney, *Turner (Hamilton), *Maddox, *Fitzhugh, *McDaniel, *Stamps)

Further consideration of Senate Bill No. 1187, previously considered on today's Calendar, at which time the House was on the motion to adopt Amendment No. 1.

Rep. J. DeBerry moved that Senate Bill No. 1187 be passed on third and final consideration.

Rep. Stulce withdrew the motion to adopt Amendment No. 1.

Rep. McMillan moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1187 by deleting from the amendatory language of Section 1(b) the language:

Such order shall continue until the custodial parent graduates from high school or until the class of which the custodial parent is a member when the custodial parent attains eighteen (18) years of age graduates, whichever occurs first.

and by substituting instead the language:

Such order shall continue until the custodial parent marries or graduates from high school or until the class of which the custodial parent is a member when the custodial parent attains eighteen (18) years of age graduates, whichever occurs first.

On motion, Amendment No. 2 was adopted.

Rep. J. DeBerry moved that **Senate Bill No. 1187**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 946 -- Election Laws - Requires registrar to certify that recall petition is in correct form before signatures may be gathered in cities and metropolitan governments with population over 100,000 Amends TCA Title 2, Chapter 1. by *Kent. (*SB1162 by *Haun)

Rep. Kent moved that House Bill No. 946 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 946 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 2, Chapter 1, is amended by adding the sections 2 through 8 as an appropriately numbered new part:

Section 2. Any governmental entity having a charter provision for a petition for recall, referendum or initiative or any person acting pursuant to such charter provision shall meet the requirements of this part.

Section 3. (a) Before a petition may be circulated, at least five (5) registered voters of the city or county shall file the following with the county election commission:

(1) An affidavit stating that they constitute the petition committee, that they will be responsible for circulating the petition and filing it in the proper form, including the names and addresses of all committee members;

(2) The proper form of the petition; and

(3) The text of the question posed in the petition.

(b) The county election commission shall certify whether the petition is in proper form within thirty (30) days after the filing of the documentation required by subsection (a) by petition committee members. The petition committee shall have fifteen (15) days to cure any defects in the documentation required by subsection (a) by filing revised documentation in proper form with the county election commission.

Section 4. (a) All papers of a petition shall be uniform in size and style and assembled as one (1) instrument for filing. Each petition shall contain the following:

(1) The full text of the question attached to each petition;

(2) The genuine signature and address of registered voters only, pursuant to the requirements of Tennessee Code Annotated, Section 2-1-107;

(3) The printed name of each signatory;

(4) The date of signature; and

(5) A notarized affidavit by the circulator of the petition that signatures were made in his or her presence, are genuine and were made after reading the entire petition.

(b) Petitions shall be signed by at least fifteen percent (15%) of those registered to vote in the municipality or county.

(c) Petitions shall be filed with the county election commission within seventy-five (75) days after filing of the petition affidavit. Provided, however, that a petition challenging a local ordinance or resolution shall be filed within ninety (90) days after passage of such measure. In addition, a petition for a referendum or initiative shall be filed at least three (3) months before the next general municipal or county election.

(d) The county election commission shall certify whether or not the completed petition meets all applicable requirements within thirty (30) days of filing of the completed petition.

(e) Any person may request either in person or in writing that the county election commission remove his or her name from a petition. Such requests must be made within twenty (20) days of filing of the completed petition and before final certification by the commission of the petition.

Section 5. Upon certification by the county election commission of a valid petition meeting the above requirements, the election commission shall publish the question contained in the petition in a newspaper of general circulation in the municipality or county; such publication shall occur pursuant to §2-12-111.

Section 6. This section shall control notwithstanding any statutory provision or charter provision of a municipality to the contrary.

Section 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 8. This act shall control any petition with signatures filed with the county election commission on or after the effective date of this act.

Section 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **House Bill No. 946**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.....96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Joint Resolution No. 77** -- Memorials, Congress - Urges passage of STEP 21 legislation, "The ISTEIA Integrity Restoration Act," to provide for equitable distribution of federal highway funds to respective states. by *McDonald, *Bone, *Caldwell, *Tidwell, *Hood, *Towns, *Robinson, *Cooper B, *Curtiss, *Fowlkes, *White, *Ridgeway, *Patton, *Ford S.

Rep. McDonald moved that House Joint Resolution No. 77 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 77 by adding the following language as a new clause before the final clause of the resolution:

BE IT FURTHER RESOLVED, That this General Assembly recognizes the important role that counties perform in maintaining rural bridges and roads across the State of Tennessee and therefore pledges, that in the event Congress enacts STEP 21 legislation, resulting in an increase in federal highway funding for the State of Tennessee, the State should share a portion of such increased funding with the local governments who perform this vital task.

On motion, Amendment No. 1 was adopted.

Rep. McDonald moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 77 by adding the following new paragraph on Page 4 immediately after the paragraph that begins with the words "BE IT RESOLVED...":

BE IT FURTHER RESOLVED, that this General Assembly urges Congress to continue, as an integral component of STEP 21, the local Metropolitan Planning Organizations that have assured local governments a meaningful role in setting transportation priorities and policies.

On motion, Amendment No. 2 was adopted.

Rep. McDonald moved that **House Joint Resolution No. 77**, as amended, adopted and that all members voting aye be added as sponsor, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1111 -- Juvenile Offenders - Establishes procedure whereby person to whom restitution is ordered from delinquent child can convert unpaid balance of restitution owing at time juvenile court loses jurisdiction over child into civil judgment against such child Amends TCA Title 25; Title 26 and Title 37. by *Boner, *Turner (Hamilton), *Ridgeway, *Hargett, *Goins. (*SB343 by *Haynes)

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Rep. Boner moved that House Bill No. 1111 be passed on third and final consideration.

Rep. Boner moved that House Bill No(s). 1111 be reset for the Regular Calendar on Wednesday, April 16, 1997, which motion prevailed.

House Bill No. 1340 -- Sunshine Law - Makes board of directors of nonprofit corporations which contract with county having metropolitan form of government to provide heat, steam or incineration of refuse subject to open meetings law. Amends TCA Section 8-44-102. by *Boner. (*SB485 by *Haynes)

Further consideration of House Bill No. 1340, previously considered on April 9, 1997, and reset to today's Calendar.

Rep. Boner moved that House Bill No. 1340 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1340 by deleting the amendatory language of SECTION 1 in its entirety and substituting instead the following:

(b)(1)() The board of directors of any nonprofit corporation which through contract or otherwise provides a metropolitan form of government having a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census with heat, steam or incineration of refuse;

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 1340**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp,

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Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1233 -- Appropriations - Prohibits reversion of funds for inventory of public infrastructure needs and proration of payments to counties and municipalities under state Revenue Sharing Act in advisory commission on intergovernmental relations budget; permits other funds to revert subject to approval of chair. Amends TCA Title 4, Chapter 10 and Title 67, Chapter 9. by *Kisber. (*SB825 by *Rochelle)

Further consideration of House Bill No. 1233, previously considered on April 9, 1997, and reset to today's Calendar.

Rep. Kisber moved that House Bill No. 1233 be passed on third and final consideration.

Rep. Brooks moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1233 by inserting the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1233**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs,

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Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1646** -- Tennessee Housing Development Agency - Reconfigures board to six appointed members (two members each appointed by governor, speakers of senate and house of representatives) and three constitutional officers; reduces quorum requirements accordingly. Amends TCA Title 13, Chapter 13, Part 1. by *Williams (Williamson). (SB1833 by *Haynes)

Further consideration of House Bill No. 1646, previously considered on April 9, 1997, and reset to today's Calendar.

Rep. Williams moved that House Bill No. 1646 be passed on third and final consideration.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. Williams moved that **House Bill No. 1646** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	57
Noes	34

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jackson, Jones S., Jones U., Kernell, Kisber, Lewis, Maddox, McDonald, McMillan, Miller, Odom, Phelan, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Beavers, Bird, Bittle, Burchett, Clabough, Cole (Carter), Davis, Dunn, Ford, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hassell, Hicks, Kent, Kerr, McAfee, McDaniel, McKee, Mumpower, Patton, Roach, Sargent, Scroggs, Sharp, Stamps, Towns, Walker, Walley, Westmoreland, Whitson, Wood -- 34.

A motion to reconsider was tabled.

***Senate Bill No. 51** -- Landlord and Tenant - Authorizes landlord or owner of real property to terminate rental agreements if property subject to rental agreement being used in sale, manufacture or use of drugs in Davidson and Shelby counties. Amends TCA Title 66, Chapter 7. by *Person, *Cohen, *Dixon, *Ford J., *Leatherwood, *Gilbert, *Jordan, *Carter, *Atchley, *McNally, *Elsa, *Fowler, *Crowe, *Miller J., *Ramsey, *Williams, *Koella, *Cooper, *Haun, *Harper, *Burks, *Crutchfield, *Davis L., *Graves, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Person, *Rochelle, *Springer, *Wilder, *Womack.

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(HB583 by *DeBerry J, *Chumney, *Kent, *Hargett, *Haley, *Hassell, *DeBerry L, *Scroggs, *Jones U (Shelby), *Turner (Shelby), *Brooks, *Pleasant, *Towns, *Maddox, *Fitzhugh, *White, *Sands, *Bone, *Hood, *Caldwell, *Langster, *Cooper B, *Miller L, *Pruitt, *Walley, *McDaniel, *Boner, *Bittle, *Dunn)

Further consideration of Senate Bill No. 51, previously considered on April 9, 1997, at which time the Senate bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1 and 8. Senate Bill No. 51 was reset to today's Calendar.

Rep. Hargrove moved that Senate Bill No(s). 51 be reset for the Regular Calendar on Wednesday, April 16, 1997, which motion prevailed.

House Bill No. 1186 -- Highway Signs - Gives preference for placement on sign assembly to business with greatest eligibility distance when two or more valid competing applications for inclusion in TODS program. Amends TCA Title 54, Chapter 5, Part 13. by *Kerr, *Walker. (*SB951 by *Miller J, *Koella)

Further consideration of House Bill No. 1186, previously considered on today's Calendar.

Rep. Kerr moved that House Bill No. 1186, as amended, be passed on third and final consideration.

Rep. Kerr moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kerr moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1186 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, Part 13, is amended by adding the following language as a new appropriately designated section:

Section 54-5-13____. (a) Notwithstanding any provision of law, rule or regulation to the contrary, when there are two (2) or more competing applications for inclusion on a particular TODS sign assembly, the department shall award installation on such TODS sign assembly to the business from which the department first received a qualified application for such installation.

(b) If the department receives on the same day two (2) or more competing applications for a particular TODS sign assembly and such competing applications qualify for participation in the TODS program, the department shall award installation on such TODS sign assembly to the business with the greatest eligibility distance.

(c) Once the TODS sign of a business has been installed on a particular TODS sign assembly, such business shall have the right to renew such TODS sign notwithstanding the application and qualification of a business with a greater eligibility distance. The provisions of this subsection shall not apply if the business fails to comply with all applicable rules and regulations or fails to pay any applicable fees.

(d) No business shall be eligible to have a TODS sign on a particular TODS sign assembly if such business is greater than fifteen (15) miles from such TODS sign assembly.

SECTION 2. Tennessee Code Annotated, Section 54-17-109(B)(i), is amended by deleting the figures:

not less than

nor more than

51,000

51,300

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1186 by deleting in subsection (d) of Section 1 the language "fifteen (15) miles" and by substituting instead the language "ten (10) miles".

AND FURTHER AMEND by adding the following language to the end of subsection (d) of Section 1:

The mileage from the TODS sign to the business must be placed on such TODS sign, unless two (2) or more businesses which offer similar activities, features or opportunities have a single sign on such TODS sign.

On motion, Amendment No. 4 was adopted.

Rep. Kerr moved that **House Bill No. 1186**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 409 -- Correction, Dept. of - Directs department to have each inmate undergo HIV testing during classification Amends TCA Title 41, Chapter 21, Part 1. by *Bowers, *Jones U (Shelby), *Miller L, *Cooper B, *Brooks, *Jones, S.. (*SB415 by *Dixon)

Further consideration of House Bill No. 409, previously considered on today's Calendar.

Rep. Kernell moved that House Bill No(s). 409 be reset for the Regular Calendar on Thursday, April 17, 1997, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1578 -- Business and Commerce - Exempts private entities contracting with governmental entities for the care, supervision and/or transportation of inmates from the Private Protective Services Licensing and Regulatory Act. by *Rinks. (*SB1205 by *Kyle)

Senate Amendment No. 1

AMEND House Bill No. 1578 by adding the following language at the end of the amendatory language in Section 1:

This exemption shall in no way authorize government contracts for the care, supervision and/or transportation of inmates.

Rep. Rinks moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1578**, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep Kent, **House Bill No. 333** was withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 74: Rep(s). Beavers as prime sponsor(s).

House Bill No. 583: Rep(s). Goins as prime sponsor(s).

House Bill No. 906: Rep(s). Curtiss, Buck, Winningham, Stamps, McDaniel and Windle as prime sponsor(s).

House Bill No. 1055: Rep(s). Stamps as prime sponsor(s).

House Bill No. 1405: Rep(s). Newton as prime sponsor(s).

House Bill No. 1450: Rep(s). Fraley as prime sponsor(s).

House Bill No. 1495: Rep(s). Stamps, Patton, Fitzhugh and Ford as prime sponsor(s).

House Bill No. 1789: Rep(s). Jackson, Cross and Ridgeway as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Armstrong was/were removed as sponsor(s) of House Bill No. **1212**.

ENGROSSED BILLS

April 10, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 181 and 184.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 10, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 172, 173, 174, 175, 176, 177, 178, 179 and 180.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1955 and 1957; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 4, 663, 924, 1020, 1059 and 1231; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 413 and 542; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 50, 250, 1191 and 1955; also, Senate Joint Resolution(s) No(s). 148, 149 and 150 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 10, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 531, 1256 and 1958; also, House Joint Resolution(s) No(s). 40 and 145.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 10, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 718, 996, 1437 and 1801; also, House Joint Resolution(s) No(s). 146, 148, 149, 150, 153, 156 and 159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 10, 1997

The Speaker signed the following: House Bill(s) No(s). 718, 996, 1437 and 1801; also, House Joint Resolution(s) No(s). 146, 148, 149, 150, 153, 156 and 159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 345; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 10, 1997

The Speaker signed the following: Senate Bill(s) No(s). 50, 250, 1191 and 1955; also, Senate Joint Resolution(s) No(s). 148, 149 and 150.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 181 and 184; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1302; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 10, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 327, 946, 1025, 1186, 1233, 1340, 1646 and 1814, also, House Joint Resolution(s) No(s) 77.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 180, 281, 340, 405, 544, 1077, 1588, 1720, 1813 and 1817; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 180** -- Election Laws - Prohibits county election commission from permitting inspection of public record containing social security number to any person other than holder of number unless record is redacted Amends TCA Title 2, Chapter 2. by *Fowler.

***Senate Bill No. 281** -- Penal and Reformatory Institutions - Creates offense for law enforcement or correctional officer to engage in sexual contact with prisoner or inmate; violation is Class A misdemeanor. Amends TCA Title 39 and Title 41. by *Haun.

***Senate Bill No. 340** -- Lobbying, Lobbyists - Deletes requirement that lobbying reports be sworn report; extends period for filing supplementary report from January 10 to January 31; extends filing date for registering with registry of election finance from five to ten days after becoming lobbyist. Amends TCA Section 3-6-105; Section 3-6-106; Section 3-6-107 and Section 3-6-104. by *Haynes.

THURSDAY, APRIL 10, 1997 -- TWENTY-EIGHTH LEGISLATIVE DAY

***Senate Bill No. 405** -- Education - Requires commissioner of education to annually report certain information pertaining to student suspensions, expulsions and dropouts; requires certain local education agencies to develop and implement plans of action to reduce number of African American dropouts. Amends TCA Title 49, Chapter 1, Part 2. by *Dixon, *Harper.

Senate Bill No. 544 -- Taxes, Privilege - Imposes taxes in same amount and manner as any repealed federal taxes, revenue to go to highway trust fund Amends TCA Title 67. by *Haun, *Haynes, *Elsea, *Henry.

***Senate Bill No. 1077** -- Pensions and Retirement Benefits - Establishes schedule of premium payment percentages for retirees participating in state employee group insurance plan. Amends TCA Title 8, Chapter 27, Part 2. by *Haynes, *McNally.

Senate Bill No. 1588 -- Taxes, Real Property - Applies present use valuation under homebelt law to counties having metropolitan government for owners who have occupied residential property for 25 or more years which is zoned for commercial use; expands application to persons to whom current owner is lineal descendent. Amends TCA Section 67-5-601. by *Henry.

***Senate Bill No. 1720** -- Architects and Engineers - Exempts from sales tax models created by architects, engineers, landscape architects and interior designers used in development of prototype. Amends TCA Title 67, Chapter 6, Part 3. by *Crowe, *Gilbert.

Senate Bill No. 1813 -- Alcoholic Beverages - Permits bed and breakfast establishments in arts districts in four largest cities to obtain liquor by the drink license. Amends TCA Section 57-4-102. by *Crutchfield.

***Senate Bill No. 1817** -- Industrial Development - Deletes requirement, concerning industrial development corporations, that amount payable in lieu of taxes by hotel and motel lessees ten years after completion of project on leased property shall be not less than ad valorem taxes otherwise due and payable on current fair market value of property. Amends TCA Title 7, Chapter 53, Part 3. by *Ford J.

MESSAGE FROM THE SENATE

April 10, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 718, 996, 1437 and 1801; also, House Joint Resolution(s) No(s). 146, 148, 149, 150, 153, 156 and 159; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 10, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 718, 996, 1437 and 1801; also, House Joint Resolution(s) No(s). 146, 148, 149, 150, 153, 156 and 159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR

April 10, 1997

The following local bills have been placed on the Consent Calendar for **April 14, 1997**: House Bill(s) No(s). 1960, 1962, 1963, 1965 and 1966.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1968, was/were referred to the Delayed Bills Committee.

***House Bill No. 1968** -- Education - Adds American Home School Association, Inc. to list of entities which are authorized to accredit church-related schools. - Amends TCA Section 49-50-801. by *Turner (Shelby).

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until Monday, April 14, 1997.